



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PAULEY PETERSEN & ERICKSON
2800 WEST HIGGINS ROAD
HOFFMAN ESTATES, IL 60169

COPY MAILED

MAR 06 2007

OFFICE OF PETITIONS

In re Patent of	:	
May et al.	:	
Application No. 09/855188	:	DECISION
Filed: 05/14/2001	:	ON PETITION
Attorney Docket Number:	:	
KCC-14,829	:	

This is a corrected decision on the Petition to Withdraw Holding of Abandonment Under 37 CFR § 41.3, filed October 3, 2006. The petition is properly treated under 37 CFR 1.181.

The petition is **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed May 16, 2005, wherein the Examiner rejected claims 1-17, 19-21 and 50-59. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a).

Applicant filed a Notice of Appeal in response to the Office action on July 21, 2005, and Appeal Brief on September 19, 2005. The Examiner filed an Answer on November 11, 2005. Applicant then filed a Reply Brief on January 17, 2006. The case was set before the Board of patent Appeals and interferences ("Board"), which affirmed the Examiner.

The instant petition

Applicant files the instant petition and avers that a timely Request for Rehearing, which includes a Certificate of Mailing dated August 30, 2006, was filed, and avers that abandonment of the application is premature under 37 CFR 1.114; 1.304 and 41.52. Applicant contends that Applicant has two (2) months within which to respond to the Decision of the Board.

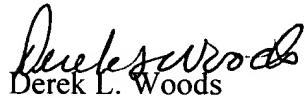
Analysis and decision

A review of office records reveals that Applicant filed a Request for Rehearing Under 37 CFR 41.52, which included a Certificate of Mailing dated August 30, 2006.

In view of the above, the petition to withdraw the holding of abandonment is granted.

The application is being returned to Technology Center 1771 to withdraw the holding of abandonment. Thereafter the application will be forwarded to the Board for consideration on the Request for a Rehearing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

A handwritten signature in black ink, appearing to read "Derek L. Woods", is written over the printed name.

Derek L. Woods
Attorney
Office of Petitions